

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No.: 1:20-cv-11773-DPW

EMILY RICHEY-STAVRAND,

Plaintiff,

v.

CITY OF GLOUCESTER,

Defendant

**DEFENDANT CITY OF GLOUCESTER’S UNOPPOSED MOTION FOR LEAVE TO
FILE REPLY IN SUPPORT OF ITS MOTION TO DISMISS**

NOW COMES the City of Gloucester (Defendant) pursuant to L.R. 7.1(b)(3) to respectfully request leave of court to file a five-page Reply in support of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

As grounds, the Defendant states that the Plaintiff’s Opposition contains arguments that warrant further response to aid the Court’s decision. The Plaintiff argues that the cases relied on by the Defendants from the Massachusetts Appeals Court and United State District Court holding that the Massachusetts Civil Rights Act (MCRA) does not apply to municipalities were wrongly decided by the courts; however, there is no basis for this argument and there is no indication that the legislature waived sovereign immunity for the purposes of the MCRA.

The Plaintiff also argues that the scope of her termination hearing violated her Fourteenth Amendment Due Process rights; however, she admits that she was a part-time probationary employee and therefore does not have any right to a hearing as a matter of law.

The Defendant believes that its Reply will assist the Court in rendering its decision. The Plaintiff does not oppose the Court allowing its filing, and the Defendant assents to the filing of a sur-reply, if desired by the Plaintiff.

The proposed Reply is attached hereto as **Exhibit 1**.

WHEREFORE, the Defendants respectfully request leave of court to file a five-page Reply in support of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,
The Defendant,
City of Gloucester,
By its attorneys,

/s/ Thomas R. Donohue

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DATED: November 6, 2020

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that I have conferred with counsel for the Plaintiff and he does not oppose the allowance of this motion.

/s/ Thomas R. Donohue

Thomas R. Donohue, BBO# 643483

DATED: November 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent this day to those participants indicated as non-registered participants.

/s/ Thomas R. Donohue

Thomas R. Donohue, BBO# 643483

DATED: November 6, 2020